



BUSINESS OF THE CITY COUNCIL

AGENDA STATEMENT

Item No. 7
For Meeting of 4.7.16

REQUEST:	Public hearing and consideration of a request from Kelly Cortum of Cort Landing, LLC to rezone 2.31 acres of land at SW intersection of IA HWY 28 and Elm Avenue from C-2 Commercial to R-1 Residential.
STAFF CONTACT:	Luke Parris, AICP City Planner
APPLICANT(S):	Cort Landing LLC 340 Wright Road Suite E Norwalk, Iowa 50211
LOCATION:	Southwest intersection of Iowa Highway 28 and Elm Avenue.
CURRENT USE:	C-2 Commercial.
PROPOSED USE:	R-1 (60) Residential.
ZONING HISTORY:	The site is zoned as Parcel D of the Dobson Planned Unit Development with a classification of "C-2" Community Commercial. This area has been zoned C-2 since the July 15, 2004 adoption of the Dobson PUD (Ordinance No. 04-08) and the amendment to the Dobson PUD (Ordinance No. 15-05) on June 4, 2015.
LAND USE PLAN:	The future land use plan designates this location medium density residential.
SURROUNDING LAND USE PLAN AND ZONING:	Surrounding land use planned for the area is: <ul style="list-style-type: none">• North – Medium Density Residential.• East – Medium Density Residential.• South – Medium Density Residential.• West – Medium Density Residential. Surrounding zoning for the area is: <ul style="list-style-type: none">• North – "R-1" Residential.• East – "R-1" Residential.• South – "R-1" Residential.• West – "R-1" Residential.

FLOOD INFORMATION:	None.
MAJOR STREET PLAN/TRAFFIC:	The request would not appear to have a negative impact on traffic conditions. Vehicles would access the lots from the extension of Pine Avenue as shown on the preliminary plat for Cort Landing. All roads are classified as local streets.
DEVELOPMENT SECTOR ANALYSIS:	Parcel D is currently a C-2 area with frontage along Iowa Highway 28. While Iowa Highway 28 frontage exists, access to Iowa Highway 28 from the site is unlikely to be permitted by the Iowa DOT. Access would be off of the internal street, Pine Avenue. The commercial site is adjacent to existing and planned single family homes on all sides.
STAFF ANALYSIS:	<p>The parcel is currently zoned C-2 and fronts along Iowa Highway 28. The parcel is only undeveloped C-2 parcel south of North Avenue. The majority of neighboring property is zoned for single family residential with some industrial ground farther to the south along Iowa Highway 28.</p> <p>The future land use plan for the area is identified as Medium Density Residential. In these areas, the Comprehensive Plan does not call for any commercial type uses.</p> <p>There is a conflict between the current zoning and the future land use plan. In the recent PUD amendment, the parcel retained the C-2 zoning because the initial PUD had been approved prior to the 2013 Comprehensive Plan. Rezoning the parcel to R-1(60) would more closely match the future land use plan approved in the 2013 Comprehensive Plan.</p> <p>The developer is also concerned about the developability of the parcel for C-2 uses. The concern is mainly due to a PUD requirement that the site has a 30' buffer adjacent to any single family uses. A staff analysis determined that the building envelope could likely fit a commercial building but that the buffer requirement hampers the ability to provide appropriate parking on the site. To approve a commercial site plan for the site, the City would need to be willing to reduce the 30' buffer requirement in the PUD.</p>
STAFF RECOMMENDATION:	<p>The rezone proposal to R-1(60) is in accordance with the future land use identified in the Comprehensive Plan and would be cohesive with the existing uses and zoning that is already single family residential.</p> <p>Staff recognizes the potential difficulties in developing the parcel as a commercial site due to buffer requirements. Additionally, staff also recognizes that the City has limited commercial ground along Iowa Highway 28 and that the proposal would reduce that number further.</p>

Staff recommends that consideration be given to the developability of the parcel, the loss of commercial ground, and the context of the existing land uses nearby when making a decision on the proposal.

**PLANNING AND ZONING
RECOMMENDATION:**

The Planning and Zoning Commission recommends approval of the request to rezone Parcel D of the Dobson PUD from C-2 to R-1(60).

ATTACHMENTS:

Attachment "A" – Dobson PUD Parcel D Rezoning Map
Attachment "B" – C-2 Parcel Maps with Building & Parking
Envelopes
Attachment "C" – Ord. 15-05 – Dobson PUD Amendment

____Resolution	<input checked="" type="checkbox"/> Ordinance	____Contract	____Other (Specify)_____
Funding Source: ____ NA _____			
APPROVED FOR SUBMITTAL _____ City Manager			

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE MASTER PLAN AND RULES, REGULATION,
AND GUIDELINES FOR THE DOBSON PLANNED UNIT DEVELOPMENT AS
CONTAINED IN ORDINANCE NO. 15-05**

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NORWALK, IOWA:

SECTION 1. PURPOSE. The purpose of this ordinance is to amend the master plan and rules, regulation, and guidelines for Dobson Planned Unit Development as contained in Ordinance No. 15-05.

SECTION 2. AMENDMENT. The Dobson Planned Unit Development is hereby amended with the following:

Section 5: Land Use Design Criteria:

Amend the land use and density schedule for Parcel D, as shown below:

LAND USE AND DENSITY SCHEDULE					
Parcel #	Land Use/ Zoning	Max Density	Area/Acres	# Units	Density DU/Acre
Parcel D	R-1(60)	4 DU/Acre	2.3	9	3.9

Amend the bulk regulations for Parcel D and add Parcel E, as shown below:

BULK REGULATIONS						
Parcel #	Lot Area	Lot Width	Yard			Height
	Minimum Sq. Ft.	Feet	Front Feet	Side Feet	Rear Feet	Feet
Parcel D	7,500	60'	30'	15' total (min. 7' one side)	35'	35'

Under "Specific Information Not In Tables" remove Parcel D and replace with the following:
"Parcel D. A public street meeting City standards is required to connect Elm Avenue to Parcel E to the south and to Outlot Y of Arbor Glynn Plat 2.

SECTION 3. SEVERABILITY CLAUSE. In any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

Passed and approved by the City Council of the City of Norwalk, Iowa on the _____ day of _____, 2016.

Tom Phillips, Mayor

ATTEST:

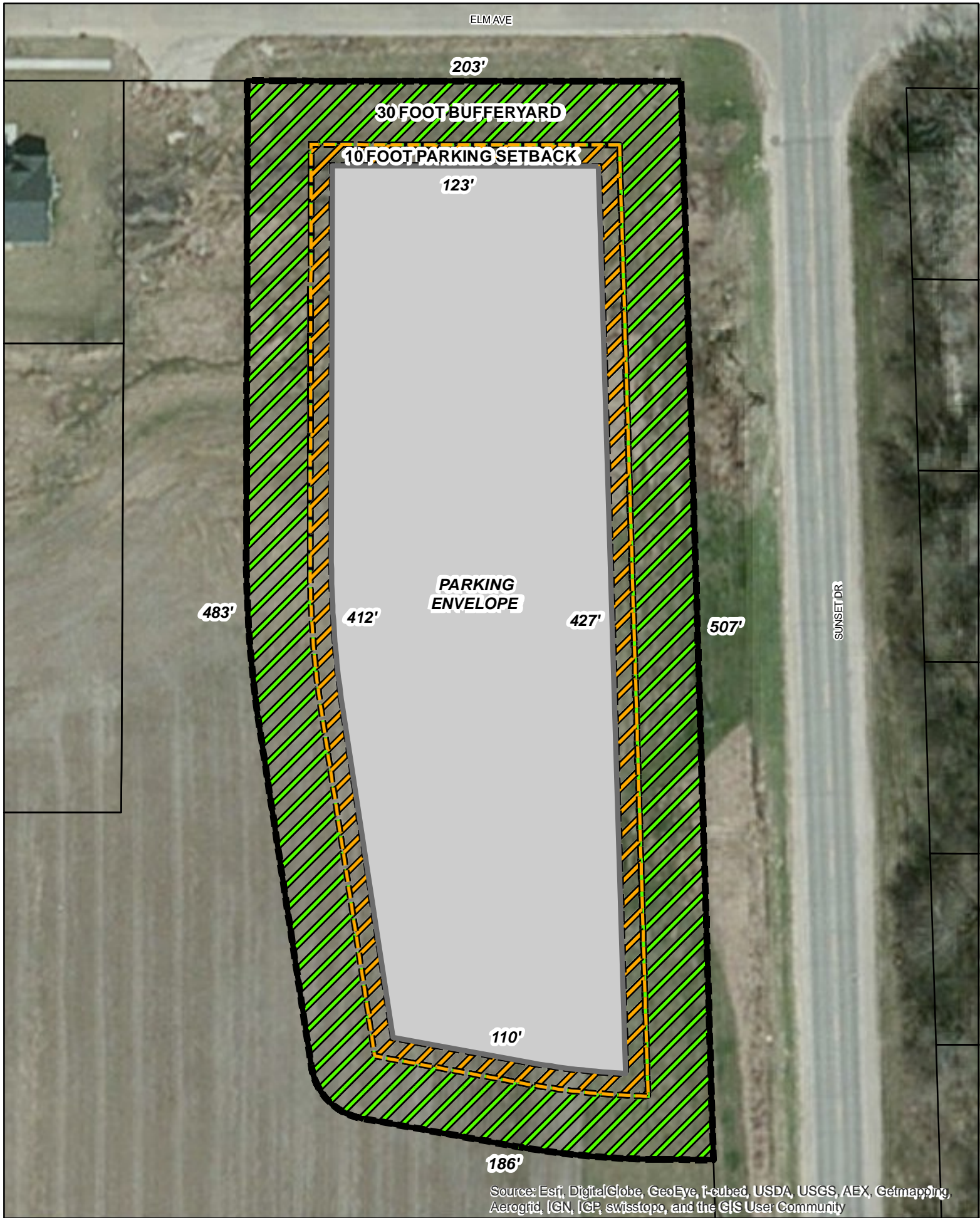
Jodi Eddleman, City Clerk

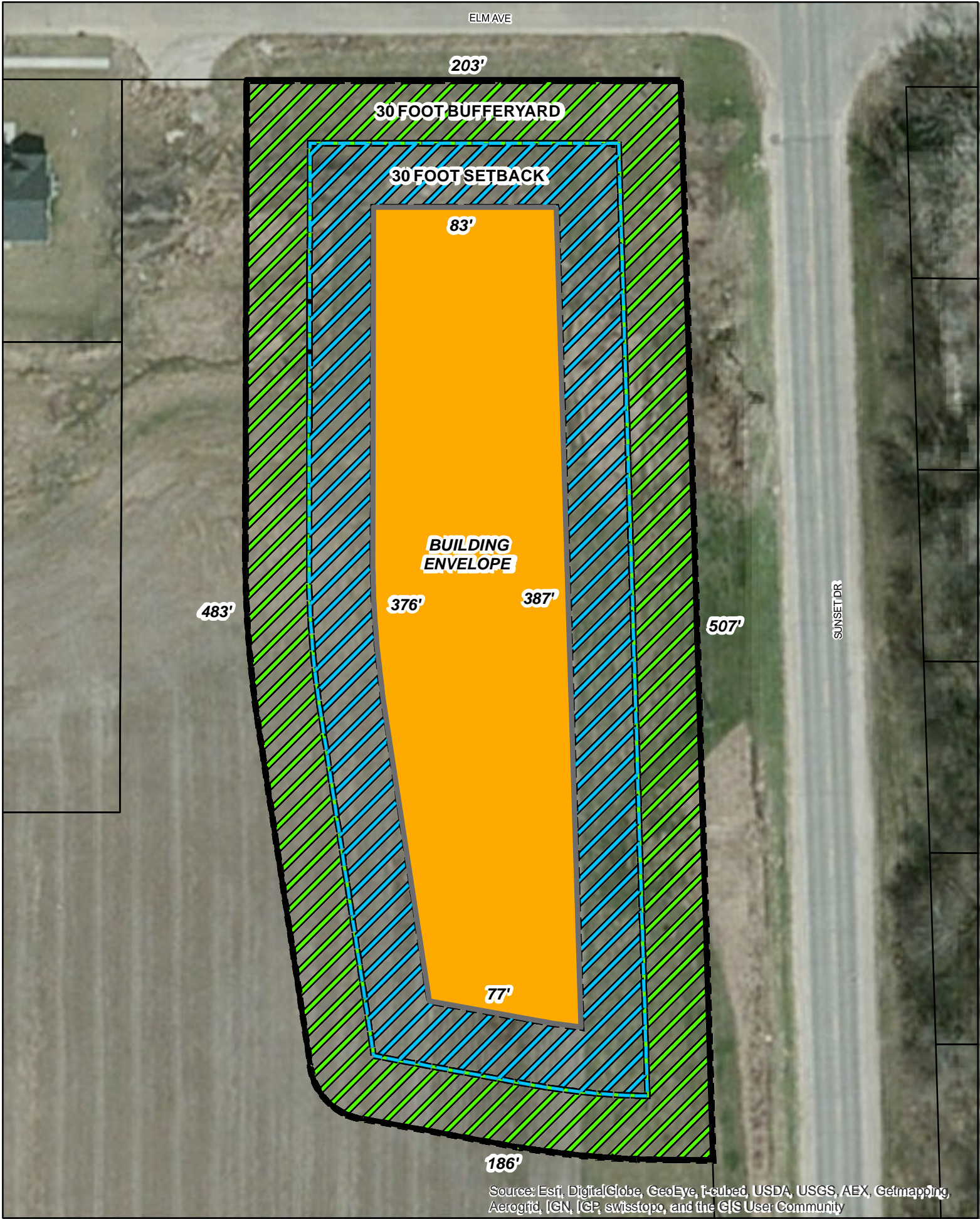
PREPARED BY: Luke Parris, City Planner

<u>ROLL CALL VOTE:</u>	<u>Aye</u>	<u>Nay</u>
Isley	_____	_____
Kuhl	_____	_____
Lester	_____	_____
Livingston	_____	_____
Riva	_____	_____









ORDINANCE NO. 15-05

AN ORDINANCE AMENDING THE MASTER PLAN AND RULES, REGULATIONS AND GUIDELINES FOR THE DOBSON PLANNED UNIT DEVELOPMENT AS CONTAINED IN ORDINANCE NO. 04-08

BE IT ENACTED by the City Council of the City of Norwalk, Iowa.

SECTION 1. PURPOSE. The purpose of this ordinance is to amend the master plan and rules, regulation, and guidelines for Dobson Planned Unit Development as contained in Ordinance No. 04-08.

SECTION 2. AMENDMENT. The Dobson Planned Unit Development is hereby amended with the following:

Include the amended Dobson Planned Unit Development map attached as Exhibit "A".

Section 5: Land Use Design Criteria:

Amend the land use and density schedule for Parcel D and add Parcel E, as shown below:

LAND USE AND DENSITY SCHEDULE					
Parcel#	Land Use/ Zonin	Max Densit	Area/Acres	# Units	Density DU/Acre
Parcel D	C-2 Commercial	N/A	3.0		
Parcel E	R-1 60	4 DU/Acre	11.4	35	3.1

Amend the bulk regulations for Parcel D and add Parcel E as shown below:

r BULK REGULATIONS					
Parcel #	Lot Area	Lot			
		Height	Width	Yard	
	Minimum Sc. Ft.	Feet	Front Feet	Side Feet	Rear Feet
Parcel D	20,000	100'	30'	20' total (0' side yard for complex	35' 50'
Parcel E	7,500	60'	30'	15' total (min. 7' one side	35' 35'

Under "Specific Information Not In Tables" remove Parcel D and replace with the following:

"Parcel D. Uses in this parcel are limited to C -2 district uses and are encouraged to be lower traffic generating uses due to their proximity to single family residential uses. The parcel is for light intensity Commercial uses described in the C-2 zoning district. A public

street meeting City standards is required to connect Elm Avenue to Parcel E to the south and to Outlot Y of Arbor Glynn Plat 2. Proximity to adjacent single family residential uses will require appropriate buffers. Any part of Parcel D that is adjacent to a single family lot shall be required to have a 30' landscaped buffer that meets the requirements of Chapter 17.50 of the City of Norwalk Zoning Ordinance. All setbacks shall be measured from the landscaped buffer, if required. Access to Parcel D from a public street to the west shall align with the access for Outlot Y of Arbor Glynn Plat 2.

Allowed Uses: All permitted principal and accessory uses and special uses as provided in the City Code for the C-2 district except the following:

- i. Bars and Night Clubs, including after-hour businesses
- ii. Convenience Stores, Gas Stations and Service Stations
- iii. Delayed Deposit Service Businesses
- iv. Liquor Stores
- v. Pawnshops
- vi. Smoking Lounges and Dens
- vii. Tobacco Stores

Under "Specific Information Not In Tables" add the following:

"Parcel E. Access off of Wright Road will not be required due to geographic concerns. Access into the parcel from Iowa Highway 28 shall meet the standards Iowa Department of Transportation. A public street shall provide access to north to Elm Avenue ."

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. In any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

Passed and approved by the City Council of the City of Norwalk, Iowa on the 4th day of June, 2015.


Tom Phillips, Mayor

ATTEST:


Jodi Eddleman, City Clerk

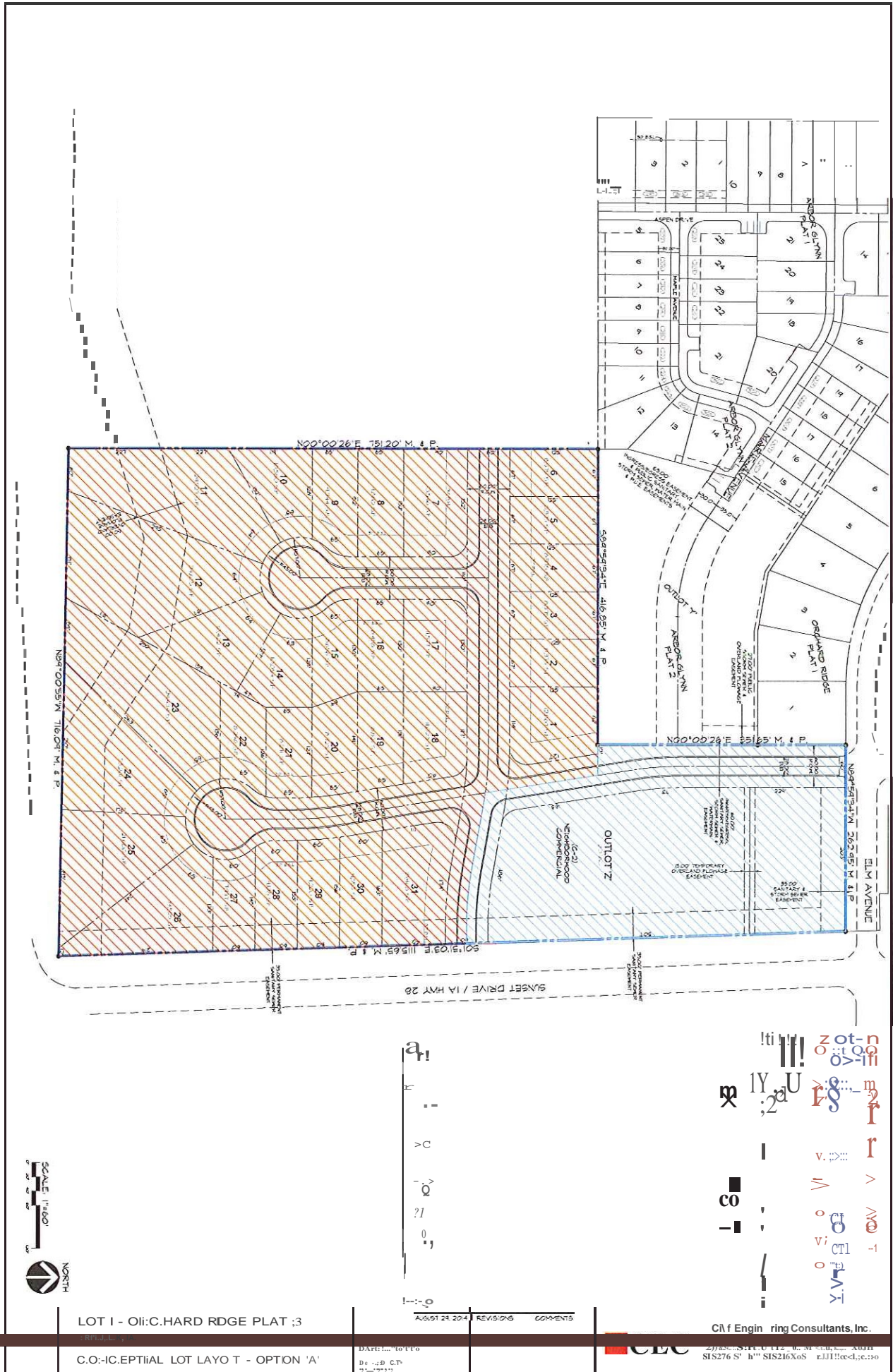
First Reading: May 21, 2015

Second Reading: June 4, 2015

Third Reading: "w"a,,_iv"e"d"----

I certify that the foregoing was published as Ordinance No. 15-05 on the 11th day of June, 2015.


Jodi Eddleman, City Clerk



LOT I - C.O. IC.EPTIAL LOT LAYO T - OPTION 'A'

C.O. IC.EPTIAL LOT LAYO T - OPTION 'A'

DATE: 10/1/16
 Drawn by: C.T.
 Checked by: J.T.

REVISIONS COMMENTS

C&F Engineering Consultants, Inc.
 20085 S. 116th St., Suite 100, Kent, WA 98032
 (206) 835-1100
 www.candfeng.com

AFFIDAVIT OF PUBLICATION

COPY OF NOTICE

- OFFICIAL PUBLICATION -

City of Norwalk

ORDINANCE NO; 15-05

-- 'Ordinance 15-05 Amending the Master Plan and Rules for the Development of the City of Norwalk in re: Ordinance 15-05 on Amending Master Plan and Rules, Regulations and Guidelines for Dobson Planned Unit Development and published in the above-named newspaper as follows:

Published by City Council on June 4, 2015;

Attest: I, the undersigned, being a duly qualified and authorized officer of the City of Norwalk, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the City of Norwalk.

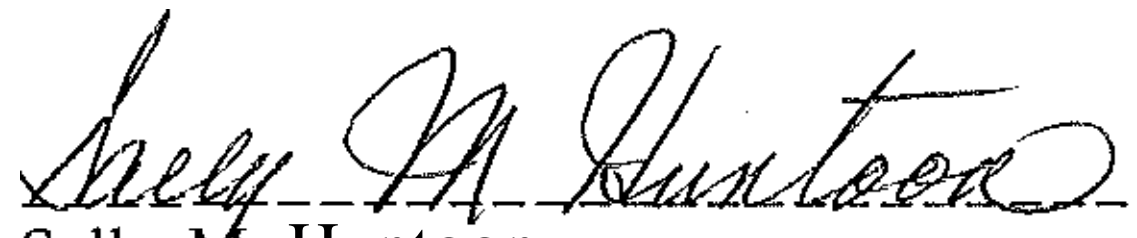
I, Sally M. Huntoon on oath, do say that I am the Editor of the NORTH WARREN TOWN AND COUNTY NEWS, a weekly newspaper of general circulation, published at Norwalk, in Warren County, Iowa and that the attached Official Publication of the City of Norwalk in re: Ordinance 15-05 on Amending Master Plan and Rules, Regulations and Guidelines for Dobson Planned Unit Development and published in the above-named newspaper as follows:

First Publication: June 11, 2015

Second Publication:

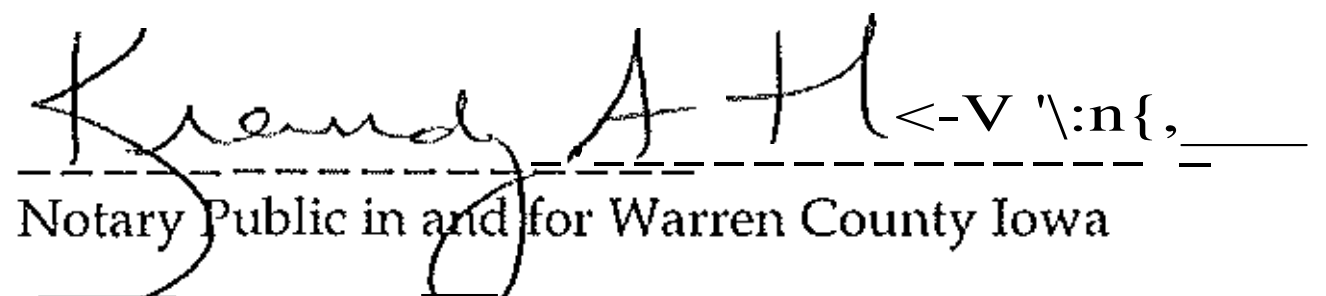
Third Publication:

Printer's Fee: \$6.98


Sally M. Huntoon

Sworn to before me and signed by
Sally M. Huntoon

Dated this 12th day of June, 2015.


Notary Public in and for Warren County Iowa

4/6/18